

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

— against —

JOSE OCTAVIO ESPARAZA-LOPEZ,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/8/08

07 Cr. 446 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

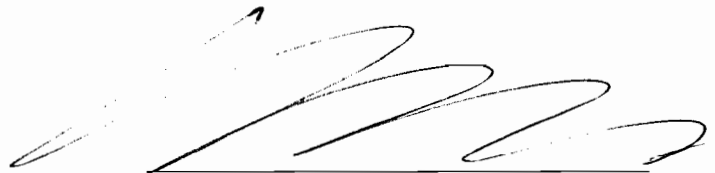
The Government (see attached letter) requests that the next conference for defendant be rescheduled from February 8, 2008 to March 14, 2008, at 2:45 p.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until March 14, 2008.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

SO ORDERED:

Dated: New York, New York
7 February 2008



Victor Marrero
U.S.D.J.



U.S. Department of Justice

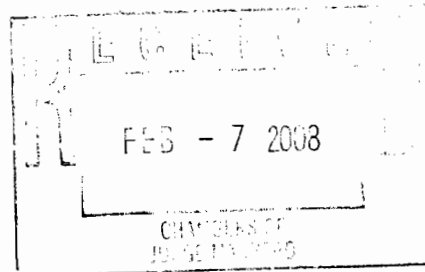
United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 7, 2008

BY FACSIMILE

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: United States v. Jose Octavio Esparza-Lopez
S1 07 Cr. 446 (VM)

Dear Judge Marrero:

The Government respectfully submits this letter, after speaking with Your Honor's clerk, to request jointly with the defense an adjournment of the pre-trial conference scheduled for February 8, 2008 at 3:45 p.m., to March 21, 2008.

The Government requests, with the consent of defense counsel, that the time between now and March 21, 2008, be excluded from the speedy trial calendar based on a finding that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(8)(A). The defense will use the time to review discovery, and to continue discussions with the Government concerning a possible pre-trial disposition of the matter, and the Government will provide to the defense a corrected copy of an audiotape that previously had been produced.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: 

Eugene Ingoglia
Assistant United States Attorney
Tel.: (212) 637-1113

cc: Kelley Sharkey, Esq.